

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE: § CASE NO. 11-60817
§
JONATHAN RUEL MARTIN and §
SALLY KATHLEEN MARTIN §
§
DEBTORS § CHAPTER 11

ORDER GRANTING PROVISIONAL CLOSING OF
CHAPTER 11 CASE FOR AN INDIVIDUAL DEBTOR

On November 16, 2012, an Application for an Order that the Case is Provisionally Closed ("Application") was filed by Jonathan and Sally Martin ("Debtors") in the above-referenced case. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty-one (21)-day negative notice language, which directed any party opposed to the granting of the relief sought by the Motion to file a written response within twenty-one (21) days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Motion has been timely filed by any party.

Due to the failure of any party to file a timely written response, the allegations contained in the Motion stand unopposed and, therefore, the Court finds that good cause exists to grant a provisional closing of this case, subject to the subsequent filing by the Debtor of two documents: a Motion to Reopen¹ and a separate Notice of Plan Completion, both to be filed upon the completion of all payments required to be made under the confirmed Chapter 11 plan. Accordingly, the Court finds that just cause exists for entry of the following order.

IT IS THEREFORE ORDERED that the Application for an Order that the Case is Provisionally Closed filed by Debtors on November 16, 2012, is hereby **GRANTED**.

IT IS FURTHER ORDERED that the above-referenced Chapter 11 case is **PROVISIONALLY CLOSED** subject to its anticipated re-opening upon the completion of all payments required to be made under the confirmed Chapter 11 Plan. All other relief sought by the Motion, if any, is **DENIED**.

Signed on 12/11/2012



THE HONORABLE BILL PARKER
UNITED STATES BANKRUPTCY JUDGE

¹ Such motion to reopen may properly contain a request for a waiver of any fee for reopening the case as an "appropriate circumstance" for such waiver in that this case would not have been previously closed due to a dereliction of any duty by the debtor.